

TITLE 16. Board of Registered Nursing

NOTICE IS HEREBY GIVEN that the Board of Registered Nursing is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Board of Registered Nursing, 1625 N. Market Blvd., Ste N217, Sacramento, California, at 10:00 A.M., on March 28, 2007. Written comments must be received by the Board of Registered Nursing at its office not later than 5:00 p.m. on March 26, 2007 or must be received by the Board at the hearing. Written comments may be submitted by mail at the address listed above, by e-mail alcidia_valim@dca.ca.gov, or by fax at (916) 574-8637. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 125.9, 148 and 2715 of the Business and Professions Code, and to implement, interpret or make specific Sections 125.9 and 148 of said Code, the Board of Registered Nursing is considering changes to Division 14 of Title 16 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Sections 125.9 and 148 permit the Board of Registered Nursing to establish, by regulation, a citation and fine system. The maximum fine amount authorized by statute was increased from \$2500 to \$5000 effective January 2004. The regulatory proposal amends Section 1435.2, increasing the maximum fine amount that the Board of Registered Nursing may impose to \$5000, specifying the circumstances under which the higher fine could be imposed, and making other nonsubstantive changes.

The regulatory proposal affects registered nurses and unlicensed individuals who violate the Nursing Practice Act; it does not affect small businesses.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board has determined that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The proposal would have minimal cost impact on registered nurses or unlicensed individuals who are issued a citation by the Board. Specifically, citations include fines that range from \$100 to \$5000.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The regulatory proposal affects only registered nurses and unlicensed individuals who have been issued a Board citation and assessed a fine for a violation that meets specified criteria.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Registered Nursing at 1625 N. Market Blvd., Ste N217, Sacramento, California.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person, named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to Alcidia Valim at (916) 574-7684; or fax to (916) 574-8637; or e-mail to alcidia_valim@dca.ca.gov.

The backup contact person is Geri Nibbs at (916) 574-7682, or fax to (916) 574-8637; or email to geri_nibbs@dca.ca.gov.

The person designated to respond to questions on the substance of the regulatory proposal is Geri Nibbs.

Website Access: Materials regarding this proposal can be found at the Board's website: www.rn.ca.gov.